

AMENDMENT UNDER 37 C.F.R. §1.116
U.S. Appln. No. 10/684,464
Atty. Docket No. Q74306

REMARKS

Claims 1-15, 17-21, 23 and 25-29 are all the claims pending in the application.

Applicant thanks the Examiner for the courtesies extended to Applicant's representative in a telephone interview conducted on February 22, 2006. During the interview, the Examiner and Applicant's representative discussed the rejection of the current claims based on Lovatt (U.S. Patent No. 2,012,885).

Claim Rejections - 35 U.S.C. §102

Claims 1, 3-9, 12-14, 17, 19, 21, 23-25 and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lovatt (U.S. Patent No. 2,012,885). Applicant respectfully traverses the rejection.

Applicant submits that the Examiner's rejection is improper because Lovatt fails to teach each and every element as claimed. For example, claim 1 recites a frame hinge knuckle and a plug inserted in a recess of the frame hinge knuckle. The Examiner asserts that Lovatt block 43 constitutes the claimed frame hinge knuckle and that hook 48 constitutes the claimed plug (*see* pages 3 and 4 of the Office Action dated March 28, 2005). However, the Examiner's characterization of Lovatt is improper. As noted above, claim 1 recites a frame hinge knuckle. In contrast, Lovatt block 43 is secured to the cover and is not part of the frame (*see* Lovatt, page 2, second column, lines 30-36). Because the Lovatt block 43 is connected to the cover, it is more

properly considered a cover hinge knuckle. Regardless, because the Lovatt block 43 is not part of the frame, it cannot be the claimed frame hinge knuckle.

Furthermore, the Lovatt hook 48 (the alleged plug) is part of the block 43 (the alleged frame hinge knuckle). This is in contrast to the claimed plug, which is inserted into a recess of the frame hinge knuckle. Since the Examiner's alleged plug 48 is part of the alleged frame hinge knuckle 43, it is not inserted into a recess of frame hinge knuckle 43 as claimed. Therefore, the Lovatt hook 48 cannot constitute the plug as claimed.

Additionally, the Examiner also makes contradictions in the rejection. For example, whereas the Examiner initially identifies element 33 as the recess, he later states that element 50 is the recess (*see* pages 3 and 4 of the Office Action dated March 28, 2005). Thus, it is impossible to tell what the Examiner considers the claimed recess.

In view of the above, Applicant submits that claim 1 is allowable over Lovatt. Claims 3-9, 12-14, 17, 19, 21, 23-25 depend from claim 1 and are therefore allowable at least because of their dependency. Furthermore, the Examiner's assertions with regard to several of the dependent claims are also improper. For example, the Examiner asserts that the Lovatt cover, and specifically hook 48, help eject any foreign matter through the drain (*see* the Response to Arguments section on page 3 of the Office Action). There is absolutely no basis for such an assertion. Lovatt teaches that very little water or foreign matter can enter, but that if it does, it will flow through vent opening 50 (*see* Lovatt page 2, second column, lines 47-50). There is no indication that the hook 48 assists with any ejection. The vent hole 50 is located at the bottom of

the socket 29. Therefore, any debris or water would flow through this hole merely because of gravity without any assistance from the cover. Accordingly, several of the dependent claims are allowable at least because Lovatt does not meet the structural limitations of the dependent claims as asserted by the Examiner.

Applicant also submits that Lovatt is deficient with regard to claim 27 and its dependents. With regard to independent claim 27, the Examiner asserts that Lovatt element 28 constitutes the claimed plug. However, Lovatt element 28 is clearly deficient with regard to the claimed plug. The claimed plug substantially seals off an inner side from an outer side. For example, as shown in the non-limiting embodiment of Fig. 1, plug 52 provides a seal to stop foreign matter 70. Lovatt element 28 does not provide a seal as claimed. Instead, element 28 is provided with a vent opening 50 which is specifically designed to allow any water or foreign matter to flow through (*see* page 2, second column, lines 47-50). Since, Lovatt element 28 is specifically designed to allow water or foreign matter to pass, the Examiner's assertion that it constitutes the claimed plug, which substantially seals off an inner side from an outer side, is clearly improper.

Claims 28 and 29 depend from claim 27 and are allowable at least because of their dependency. Furthermore, like with the rejection of claim 27, the Examiner asserts that Lovatt operates opposite to the reference's express teachings. For example, with regard to claim 28, the Examiner asserts that element 28 is inherently capable of blocking gravel. However, because of vent opening 50, element 28 is specifically designed to do exactly the opposite. The Examiner cannot reasonably suggest that a part which is specifically designed to allow water or gravel to

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pass, inherently blocks gravel. With regard to claim 29, the Examiner asserts that the Lovatt cover aids in the ejection of gravel. As explained above, the Examiner's assertion that the cover pushes gravel towards drain 50 is simply unsupported. The reference never describes such an action, and it is not inherent in the structure because gravel is already designed to simply flow through the drain 50 without being pushed.

In view of the above arguments, Applicant submits that claims 27-29 are also allowable over Lovatt.

Claim Rejections - 35 U.S.C. §103

Claims 2, 10, 11, 15, 18, 20 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lovatt. Even if it were appropriate to modify Lovatt as suggested by the Examiner, the modifications would not correct the above-noted deficiencies of Lovatt with respect to claim 1. Accordingly, even the modified Lovatt would also be deficient with regards to claims 2, 10, 11, 15, 18, 20 and 26, which depend from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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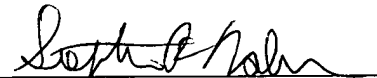
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Date: February 23, 2006